

## **Summary of the Implementation Committee Meeting July 30, 1997**

The National Environmental Laboratory Accreditation Conference (NELAC) Implementation Committee convened a meeting on Wednesday, July 30, 1997, from 9:00 a.m. to 12:00 p.m. Eastern Standard Time. The meeting was led by its acting chair, Ms. Jan Jablonski, of the U.S. Environmental Protection Agency, Office of Research and Development. The agenda was provided at the start of the meeting. A list of action items is provided in Attachment A. A list of participants is given in Attachment B.

### **INTRODUCTION**

The purpose of the meeting was to continue to review the work of the Committee since its last Second Interim Meeting on February 3, 1997. Agenda items included:

- '!! Status of Projects
  - NCSL Implementation Survey
  - Model Legislation
- '!! Role of Committee, and
- '!! Next Steps.

A series of handouts were provided during the meeting, including:

- '!! Draft of Model Administrative Rules, submitted by Dr. Carl Kircher to Dr. Michael Miller (March 17, 1997),
- '!! Memo from Mr. Carl Kircher to Dr. Gary King on the subject of Participating Environmental Testing Laboratories (July 21, 1997),
- '!! Uniform Statute for Accreditation of Environmental Laboratories (July 10, 1997), and
- '!! Uniform Statute for Accreditation of Environmental Laboratories (Revision 2, July 26, 1997)

Insufficient copies of the handouts were available. A mass mailout of the handouts will be completed as an action item. Ms. Jablonski requested the names of all interested parties.

### **NCSL IMPLEMENTATION SURVEY**

During its February 3, 1997, Second Interim Meeting, the Committee reviewed the Implementation Survey Letter (questionnaire) aimed at assisting individual States to implement NELAC and recommended changes/revisions. An update on the status was provided. It is anticipated that the survey will be mailed out within the next month. It will be sent to the chairs of the committees that deal with environmental issues. The mailing list will be made available in

the future. Names may be added to the list, if desired. The turnaround time is probably two weeks to 30 days. Follow up will likely be necessary.

A quick and dirty survey had been sent out at an earlier date. The response was very positive. Eight States said they were going to be ready for participation by June 1998; 14-16 States said they were interested in participating, but would need a longer timeframe; two States said they were not going to participate; and five States were undecided. Nine States indicated that they wanted to be added to the pilot list.

A strategy is necessary to speed the implementation process along. One of Ms. Jablonski's future action items will be to set up a series of conference calls to begin looking at the results and to determine what the Committee can do to better enhance the process. Ms. Jablonski will also create a mailing list to ensure that distributions are sent to all interested parties. Ms. Jablonski will also seek to mail the entire stack of handouts to all interested participants.

## **MODEL LEGISLATION**

Draft legislation is being developed to assist States in implementation. The legislation will provide a starting point for States that currently don't have anything in place. Copies of the draft legislation can be distributed to interested participants.

## **OUTREACH**

Outreach is very important. Better communication between the Committee and interested parties will be a focus point in the future. Communication will include all interested agencies and program areas. Particularly, Ms. Jablonski will start to develop a strong link between EPA and NELAC. This will ensure better communication at all levels. It will also speed the implementation process by preventing surprises in the future.

Ms. Jablonski opened the meeting by asking for suggestions on improving and enhancing communication. Cooperation and coordination will be important components of this process. Dr. Gary King questioned which agency will be taking the lead in this process. It is expected that a lead agency will develop as time progresses. Ms. Jablonski anticipates that EPA's commitment to NELAC will continue. EPA does not yet have budget established for NELAC, but is currently working with its regional offices to develop something meaningful for the implementation of NELAC.

## **ROLE OF COMMITTEE**

During previous meetings, Committee members considered different models and drew up legislation. Six critical elements were identified for model legislation:

- '!! administer agencies,
- '!! establish the criteria for certification,
- '!! collect fees,

- '!! require certification,
- '!! administer punitive sanctions, and
- '!! authorize third-party certification.

The four documents provided at the start of the meeting presented an overview of the scope for laboratory accreditation. Using information from the State of Florida, eight different types of laboratories were reviewed. The scope of accreditation was presented for each of the eight laboratories using a series of figures that show program compliance as well as methods and analytes. States can review these documents and decide how much of the full scope they want to implement. This will, of course, depend upon State priorities.

## **COST OF ACCREDITATION**

The cost of accreditation is a concern. Laboratories indicate that expenses may be high and the program may be driven by costs. A rough estimate of costs is in the process of being developed. One problem is that the number of laboratories seeking accreditation is not known. Although estimates have to be made, the overall feel for costs is still rough. The highest costs are going to come from public laboratories and they are going to see it as an unfunded mandate.

It was suggested that a subcommittee be established that will develop a rough estimate of the cost of implementation. This is a threshold issue for this Committee and for NELAC. This will also help determine what technical resources EPA must provide to aid NELAC. The Federal commitment will make a big difference in determining the base level of costs to laboratories. Costs between EPA and the program must be ascertained.

It was agreed that cost benefit analyses must be developed, but such analyses require data and extrapolations must still be made. Ms. Jablonski suggested that she make a few calls to determine if people are available that could assist in providing accurate cost information in a timely fashion. Speed is of the essence to avoid missing the boat. Ms. Jablonski requested the people provide her with written suggestions for developing an accurate cost benefit analysis.

## **SMALL LABORATORIES**

Small laboratories do not have the resources to attend NELAC meetings (NELAC perspectives are primarily based on the large laboratories). The small laboratories must be addressed in winning NELAC support especially given that they are powerful and may be extremely wary of new regulations. Their support is necessary in moving NELAC through State legislation. To do this, the advantages of NELAC to small laboratories will have to be stressed.

Of course, the cost of NELAC to these small laboratories is a concern. There was some discussion as to whether accreditation is mandatory on the laboratory scale if the State is opting for NELAC accreditation. If accreditation is not mandatory for small laboratories, it is likely that they will not apply for NELAC certification. Of the 110 laboratories used in Arizona, approximately 15 indicated they would apply. The others just don't seem to be interested. In contrast, other audience members believe that NELAC will be required of the small laboratories if the State decides to implement the program (i.e., the program is voluntary on the State level, not

the laboratory level). Two or multi-tiers may be necessary. Grand-fathering may also be an option.

The question becomes what methods are available to States to implement or phase-in NELAC. An avenue between this Committee and the Membership and Outreach Committee should be developed to address these very important issues. Fact sheets may be useful. They could also provide an opportunity to follow up on the questionnaire.

There was some question as to whether NELAC implementation will actually increase costs to laboratories. The State of New Jersey provided an example illustrating that actual costs may not increase. It was suggested that the audience review the handouts, which may aid in putting the entire process into perspective.

The increase in data quality will be worth the increase in costs. It will be important that EPA support NELAC. If EPA does not require that all data supporting each program office come from a NELAC certified laboratory, the commercial value of this program is null and void. It will be important to stress that quality data benefits everyone.

## **JOINT SESSION WITH MEMBERSHIP AND OUTREACH COMMITTEE**

The Membership and Outreach Committee is interested in developing a dialogue with the Implementation Committee. They will be included in future conference calls.

## **OPEN DISCUSSION**

The meeting was opened to discussion between the audience and the Committee. Although many entities have indicated a willingness to participate and become accredited, the final determination has yet to be made (i.e., yes can mean a lot of different things, no always means no). This could possibly lead to a false sense of security. For example, if a State is indicating acceptance, they may not be fully aware of the level of their legislation. It is felt that there are only two States that can really vote yes and mean yes.

The Department of Energy supports implementation as soon as possible. The US Air Force also supports NELAC, but it does not appear that RCRA and CERCLA are being sufficiently addressed. There seem to be a lot of basic things that have yet to be addressed (i.e., the absence of a check list). Developing these check lists is a huge job and currently the budget is not available for a task of this size.

States do not have primacy for Superfund. It is a Federally-operated program. It was suggested by one member of the audience that accreditation specific to Superfund does not appear to make a lot of sense. This last comment was questioned since NELAC supports quality-based analytical performance. Despite this, there is no Federal mandate to require that all laboratories use NELAC data in Superfund. Such a mandate may never happen. In essence, Superfund has adopted a very different philosophy than other program offices. Rather, Superfund is very *project driven*. Solid waste programs are very different than water programs.

EPA may need to re-evaluate the Superfund program. This was concurred by other audience members that indicated all their data disasters occur within the Superfund program. The bottom line is data quality. It was recommended that the Superfund program keep an open mind.

It will be up to each of the States to implement NELAC. Each of the 50 States will have to decide if they are going to adopt NELAC. Each of the programs will have to decide if they are going to adopt NELAC. It is hard for this Committee to go to individual States until the actual standards are adopted. Once the standards are adopted, then the States can be more easily approached.

There is a movement afoot to ask the States to come together and work as a team. EPA needs to get on board and work toward consistency and coherency. EPA may very well need to adapt and change. If EPA is not willing to do this, a very strong message will be sent to all parties involved. Ms. Jablonski indicated that this is a very important message and she will carry that explicit message to EMMC.

Depending upon the information being provided, the message may be interpreted differently. We may need to break it down to ensure that communication is effective and that the players are identified and defined. We need a handle on who actually is going to go forth. We should not hold up NELAC because Superfund cannot get on board today. If Superfund chooses to not use a certified laboratory, they are opening themselves up to problems related to how their data is viewed with respect to overall quality.

EPA made a very strong statement that it is necessary for them to accredit their own laboratories. From the public standpoint that might create a perception problem. This will have to be thought through very carefully.

The Implementation Committee may need to look at reciprocity. States should be asked if they are planning on charging a fee to out-of-State laboratories. It was assumed that States would indeed charge a fee. Possible impacts on implementation may need to be considered.

**ACTION ITEMS**  
**Implementation Committee Meeting**  
**July 30, 1997**

<b>Item No.</b>	<b>ACTION</b>	<b>Date Completed</b>
1	Set up a series of conference calls to begin looking at the results and to determine what the committee can do to better enhance the implementation process.	
2	Create a mailing list to ensure that distributions are sent to all interested parties.	
3	Mail copies of all handouts distributed during the July 30, 1997, meeting to interested participants.	
4	Establish a subcommittee to develop a rough estimate of the cost of implementation.	
5	Contact individuals for information to use in developing an accurate cost analysis in a timely fashion.	
6	Develop communication between the Implementation Committee and the Membership and Outreach Committee to determine what methods are available to States to implement or phase-in NELAC. Include both Committees in conference calls.	

**LIST OF PARTICIPANTS**  
**Implementation Committee Meeting**  
**July 30, 1997**

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